

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD D. WALLACE,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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JUDGMENT
10-CV- 0152 (DLI)

An Order of Honorable Dora L. Irizarry, United States District Judge, having been filed on June 16, 2010, reversing the Commissioner's decision, pursuant to the fourth sentence of 42 U.S.C. § 405(g), which is made applicable to claims for Supplemental Security Income by 42 U.S.C. § 1383(c)(3); remanding plaintiff's claim for Supplemental Security Income filed on November 28, 2006, for further administrative proceedings; and on remand, the Administrative Law Judge ("ALJ") will:

- (1) conduct a new hearing;
- (2) evaluate the medical source opinions, in particular, that of Dr. Lambrakis, pursuant to the provisions of 20 C.F.R. § 416.927, Social Security Rulings ("SSR") 96-2p and 96-5p, and explain the weight given to such opinion. The Administrative Law Judge may request the treating and/or examining sources to provide additional evidence and/or further clarification of their opinions and medical source statements;
- (3) evaluate the plaintiff's mental impairment(s) in accordance with the special technique described in 20 C.F.R. § 416.920a, documenting application of the technique in the decision by providing specific findings and appropriate rationale for each of the functional areas described in 20 C.F.R. § 416.920a(c);

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(4) determine the plaintiff's ability to perform his past relevant work. If the sequential evaluation proceeds to step five, and if warranted, obtain evidence from a vocational expert to clarify the effect of the limitations on the plaintiff's occupational base and to identify other jobs that the plaintiff would be capable of performing; and

(5) issue a new decision; it is

ORDERED and ADJUDGED that pursuant to the fourth sentence of 42 U.S.C. § 405(g), which is made applicable to claims for Supplemental Security Income by 42 U.S.C. § 1383(c)(3), the Commissioner's decision is reversed; that plaintiff's claims for Supplemental Security Income filed on November 28, 2006, is remanded for further administrative proceedings; and that it is further,

ORDERED and ADJUDGED that on remand, the Administrative Law Judge ("ALJ") will:

(1) conduct a new hearing;

(2) evaluate the medical source opinions, in particular, that of Dr. Lambrakis, pursuant to the provisions of 20 C.F.R. § 416.927, Social Security Rulings ("SSR") 96-2p and 96-5p, and explain the weight given to such opinion. The Administrative Law Judge may request the treating and/or examining sources to provide additional evidence and/or further clarification of their opinions and medical sources statements;

(3) evaluate the plaintiff's medical impairment(s) in accordance with the special technique described in 20 C.F.R. § 416.920a, documenting application of the technique in the decision by providing specific findings and appropriate rationale for each of the functional areas described in 20 C.F.R. § 416.920a(c);

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(4) determine the plaintiff's ability to perform his past relevant work. If the sequential evaluation proceeds to step five, and if warranted, obtain evidence from a vocational expert to clarify the effect of the limitation on the plaintiff's occupational base and to identify other jobs that the plaintiff would be capable of performing; and

(5) issue a new decision.

Dated: Brooklyn, New York
June 17, 2010

/S/

ROBERT C. HEINEMANN
Clerk of Court